

EXHIBIT J

Cited portions of Deposition of Vicki Becker dated 10/29/2014
taken in *Lana Canen v. Dennis Chapman, et al.*,
U.S. District Court, Northern District of Indiana,
South Bend Division, Case No. 3:14-CV-00315

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

LANA CANEN,)
)
Plaintiff,)
)
vs) Case No.
) 3:14-cv-315-RL-CAN
DENNIS CHAPMAN and MARK DAGGY,)
)
Defendants.)
)

The Deposition of VICKI ELAINE BECKER

Date: Wednesday, October 29, 2014

Time: 9:26 a.m.

Place: Elkhart Prosecutor's Office
301 South Main Street
Elkhart, Indiana

Called as a witness by the Plaintiff
in accordance with the Federal Rules of Civil
Procedure for the United States District
Court, Northern District of Indiana, South Bend
Division, pursuant to Notice.

Before Charolette A. Martinez, CSR 11983
Notary Public, St. Joseph County, Indiana

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ALSO PRESENT: Cindy Bennett
Nathasha Felton

* * *

1 Q. I would like you to tell me what your relationship
2 was, then, with Joel Williams in the trial of Lana
3 Canen.

4 A. Joel Williams is an associate of mine here at the
5 prosecutor's office. He joined our team in early
6 2003. I do not remember the specific date, but I
7 know it was early of 2003. And he and I worked
8 closely together on a variety of cases. He's quite
9 an experienced attorney.

10 And so when we began the prosecution of the
11 Lana Canen case and Andrew Royer case, he worked on
12 the case with me in the original evaluation stage.

13 I'm not sure how much he participated in the
14 actual charging. That was primarily myself preparing
15 the paperwork and Mr. Hill approving it. And then he
16 assisted me as we went forward in the pretrial
17 proceedings, as well as the trial.

18 Q. Okay. So you're -- you were lead counsel and he
19 did some of the pretrial evaluation, things like
20 that?

21 A. I wouldn't say "lead." We really don't designate a
22 lead all the time. Perhaps it was interpreted that I
23 am the lead, which is a fair assessment. But I never
24 sat there and said, "You're second." "I'd lead," and
25 then go from there.

1 about something, I'll either call one of the
2 supervisors, or if it's a case that I'm working
3 involving a specific investigator, I contact them
4 directly. But I have an open line of communication,
5 basically, from the chief, down. So if I need
6 something from the chief, I can contact the chief.

7 But we don't have like a designated liaison that
8 takes care of all of those types of communications.
9 Chief Investigator Winbigler is what you would
10 probably consider a liaison, but that's more in
11 general type things, not necessarily specific
12 casework.

13 Q. So you don't delegate this to somebody else when
14 it's a murder case; you do all the contacting with
15 the Elkhart City Police yourself?

16 A. I do.

17 Q. Okay.

18 A. I do.

19 Q. And is that true as well with the Elkhart Sheriff's
20 Department?

21 A. Yes.

22 Q. Okay. Tell me, if you can, when you first became
23 involved in the homicide of Helen Sailor.

24 A. I honestly don't know. I do not know when I first
25 started looking into it. I remember that I had it

1 under review for a decent period of time before we
2 elected to charge, so I'm sure that it was a period
3 of months between the time that I initially got it
4 and started reviewing it and the time that charges
5 were filed against Mr. Royer and then thereafter
6 followed with Mrs. Canen.

7 Q. There was a considerable amount of time. She died
8 November 28, 2002.

9 A. Okay.

10 Q. And the trial commenced August the 8th, 2005. She
11 was charged September 2nd, 2004.

12 A. Okay.

13 Q. 22 months. I'd say that's more than just a few
14 months.

15 A. Well, I don't know when the case actually came over
16 for our review. That's what I was referring to,
17 because that was the question you asked.

18 Q. Yes.

19 A. I don't know when the case was submitted to the
20 prosecutor's office for review.

21 Q. Okay.

22 A. It had to be after January of 2003 because Mr. Hill
23 was not even in office until then, and I wasn't the
24 chief deputy before then.

25 Q. Okay. So in reviewing the case, that's not

1 something you've found -- or familiarized yourself
2 with when you got involved?

3 A. No. I -- I can't sit here and tell you when we
4 received the case for review. I'm sorry.

5 Q. Okay. Had you ever worked with Mr. Dennis Chapman
6 before this case?

7 A. Yes.

8 Q. And had you ever worked with him in a murder case?

9 A. I don't know.

10 Q. Did you attend the PCR hearing?

11 A. No.

12 Q. Do you know who did?

13 A. David Francisco.

14 Q. Okay.

15 A. Are you talking about on our behalf as the
16 prosecutor?

17 Q. Yes.

18 A. Yes. David Francisco.

19 Q. And was he somebody that you designated?

20 A. Yes.

21 Q. Okay. Was he familiar with the case?

22 A. Hold on. I did attend some of the PCR hearing. I
23 did not play a role. But I remember going into the
24 courtroom and watching part of it, but I couldn't
25 even tell you who the witness was. I apologize.

1 Q. Yeah, "Royer."

2 -- separately?

3 A. Yes.

4 Q. Okay. And then you waited on charging Lana Canen?

5 A. Yes.

6 Q. And what was -- was it based on Mr. Chapman's
7 analysis of the fingerprint?

8 A. That was absolutely part of it, yes.

9 Q. And you'd used him before?

10 A. Yes.

11 Q. Did you later learn from any source, reviewing his
12 testimony, what his credentials were?

13 A. Actually, I was aware of his credentials before
14 utilizing his services.

15 Q. Well, what were those credentials?

16 A. To the best of my recollection, he worked for the FBI
17 for a period of time doing classification of
18 fingerprints. He also had been working for the
19 Elkhart County Sheriffs Department in their crime
20 laboratory doing a variety of forensic services,
21 photographing. I know he had done quite a bit of
22 fingerprint amplification, for lack of a better term.
23 I know there's a better word for it. But basically
24 collecting latent prints, collecting patent prints,
25 documenting those, preserving them as evidence,

1 et cetera, et cetera.

2 I had worked with him on previous occasions of
3 identifying patent compared to latent prints on print
4 cards versus inked finger prints that he had taken in
5 what habitual phases of cases. And I believe --
6 well, I know that I had talked to him on a couple of
7 different occasions regarding his assessment of
8 fingerprint evidence in other cases.

9 Q. Okay. Were you aware that he'd only testified in
10 one murder trial before?

11 A. I don't know.

12 Q. Were you aware that he had done no cases involving
13 complex latent fingerprints?

14 A. That depends on what you mean by complex latent
15 fingerprint.

16 Q. That's a term of art that I understand, as opposed
17 to just looking at a latent fingerprint. In other
18 words, I understand he went to some training after
19 this murder case, but beforehand he had no training
20 or experience in examining complex latent
21 fingerprints and making those comparisons.

22 MR. DE BONI: I'm just going to
23 object to the form of the question; lacks
24 foundation.

25 MR. KUS: There's no question yet.

1 It is very clear to me that you and I
2 have different definitions of things.
3 And until I'm comfortable with what you
4 mean by "complex," that's not a question
5 I can answer for you.

6 BY MR. SUTHERLIN:

7 Q. What is a ten-print examination?

8 A. Ten-print examination, to my understanding, is when
9 you have an inked fingerprint card involving the ten
10 fingers of most human's hands, right and left. And
11 you can look at that inked fingerprint card, which is
12 a patent print, and draw conclusions or make
13 observations about that ten-print card.

14 Q. Did you make the decision to hire Mr. Chapman?

15 A. Mr. Chapman was not hired.

16 Q. Brought into the case?

17 A. I think so, yes.

18 Q. But you're not sure?

19 A. I'm not sure.

20 Q. Why didn't you use the Indiana State Police Crime
21 lab?

22 A. Because they were backlogged so bad that we had to
23 ask them to give the fingerprints back because we
24 asked them to do it and they couldn't get it done in
25 a timely fashion.

1 Q. So first you sent them there?

2 A. Yes.

3 Q. And they couldn't get them back in two and a half
4 years?

5 A. That's correct. Well, I don't know when they sent
6 them.

7 Q. Two years.

8 A. I can't answer that question. But I didn't know that
9 they did not have them done and they told us they
10 could not get them done.

11 And when I say "us," it was Joel Borden, I
12 believe, that had the direct communication with the
13 Indiana State Police Laboratory. I could be wrong
14 about that, but Joel was the crime scene investigator
15 for Elkhart Police Department at the time, and that
16 would, generally, be how it occurred.

17 I was under the impression that Indiana State
18 Police could not finish the evaluation in time for
19 Andrew Royer's trial. And, therefore, we wanted to
20 be able to have those questions answered before
21 Mr. Royer's trial, the first trial. And so we
22 started brainstorming about other individuals that
23 may have expertise in this area to determine whether
24 or not they could help.

25 Q. Were you involved in the preparation of Mr. Chapman

1 Q. Do you recall that in the Lana Canen criminal case
2 tried in Elkhart Circuit Court that Ms. Canen was
3 represented by Brent Zook?

4 A. Yes.

5 Q. And is it your understanding that Brent Zook was
6 appointed by the Elkhart County Public Defender's
7 Office?

8 A. Yes.

9 Q. To represent Ms. Canen?

10 A. Yes.

11 Q. Had you had other cases with Mr. Zook prior to
12 Mrs. Cane's criminal case?

13 A. Many.

14 Q. So was Mr. Zook a fairly experienced criminal
15 defense attorney?

16 MR. SUTHERLIN: Objection; present
17 tense no longer applies.

18 BY MR. DE BONI:

19 Q. Did you hear my question?

20 A. Yes. He was very experienced at the time that this
21 case was tried. He'd been around longer than I had.

22 MR. KUS: We've all been around at
23 this table longer than you have.

24 THE WITNESS: I don't know about
25 everybody.

1 Q. And Mr. Royer was represented by Chris Crawford.

2 Is that correct?

3 A. Yes.

4 Q. I wonder if you could turn to the date 7/29/2005.

5 A. I have it.

6 Q. Part of the Court's entry states that, "Court
7 confirms trial date of August 8, 2005, at 8:30 a.m.
8 with joint trial to be conducted of each
9 defendant."

10 Do you see where I'm at?

11 A. I do.

12 Q. "Court also confirms that each defendant will
13 employ the defense that they did not commit this
14 offense. And the Court also notes from counsel
15 that discovery has been completed."

16 Do you see that entry?

17 A. I do.

18 Q. So my question is: Do you recall specifically --
19 I'm sorry.

20 (Off the record.)

21 BY MR. DE BONI:

22 Q. Do you recall in this specific case what discovery
23 was conducted?

24 A. No. I do not recall specifically what discovery was
25 conducted. During this period of time we had more of

1 an open-file type of discovery process where we would
2 allow the defense to review our entire file,
3 including notes, anything that wasn't really
4 confidential.

5 We also were at a practice of making photocopies
6 of police reports as well as, you know, summaries,
7 narratives, et cetera, et cetera, and providing
8 physical evidence such as audio, video, anything that
9 was physically documented. We tried to be as open as
10 we could.

11 Q. This open-file process you just described, that
12 would have been in place at the time of the
13 Lana Canen case?

14 A. I believe so. I believe so. At least at the
15 beginning of it, because we -- it wasn't -- I don't
16 remember when we went more to the "We'll provide
17 everything for you," as opposed to "Come over and
18 take a look." It was kind of a combination, a
19 carry-over from the previous administration.

20 But Mr. Zook and Mr. Crawford and I, all of us,
21 had a very open relationship such that, you know,
22 "Whatever I have, you're welcome to" type of thing.

23 Q. Did you have that you recall now -- I know it's
24 been a few years -- any discovery disputes with
25 Mr. Zook such that he wanted something and the

1 prosecuting -- the prosecutors refused to turn it
2 over?

3 A. No. Nothing.

4 Q. Do you recall in this case whether the police
5 reports involving the murder of Helen Sailor would
6 have been available to Mr. Zook and Mr. Crawford?

7 A. Yes, I am positive they were.

8 Q. Okay.

9 A. In fact, we may have burned photocopies for them.

10 (Plaintiff's Exhibit No. 22 marked.)

11 BY MR. SUTHERLIN:

12 Q. Exhibit 22, do you see that in front of you, ma'am?

13 A. Yes, I do.

14 Q. Is the report authored by Dennis Chapman? Correct?

15 A. It appears to be, yes.

16 Q. Would this report have been turned over to Mr. Zook
17 and Mr. Crawford prior to the trial?

18 A. Yes. I am sure it was.

19 Q. That would be your normal procedure?

20 A. Yes.

21 Q. Would this be considered part of what criminal
22 attorneys call Brady material the prosecutor turns
23 over?

24 A. No. This would not really be Brady material. Brady
25 material is more along the lines of material that

1 would be shown to exonerate someone as opposed to
2 incriminate someone.

3 Q. Okay.

4 A. This would be part of the standard discovery just
5 regarding evidence that we would anticipate at trial.
6 And by this time, obviously we intended to call
7 Detective Chapman as a witness, so this would be a
8 summary of his observations in preparation for his
9 being a witness.

10 Q. Are you confident sitting here today that Mr. Zook
11 would have received Exhibit 22?

12 A. Yes.

13 Q. Prior to the criminal trial?

14 A. Yes.

15 (Plaintiff's Exhibit No. 23 marked.)

16 BY MR. SUTHERLIN:

17 Q. Now, what is Exhibit 23.

18 A. 23 appears to be the State's witness and exhibit list
19 bearing my signature that was filed in July of 2005,
20 so prior to the trial. And then we provided an
21 addendum on August 5th, 2005. And then again on
22 August 8th, 2005, another addendum. All on what
23 appears to be my signature.

24 Q. So you list on behalf of the State or the
25 prosecutor all the witnesses and exhibits that you

1 expect to use --

2 A. We --

3 Q. -- in trial?

4 A. -- articulate the specific ones that are very, very
5 clear.

6 Q. Right.

7 A. And then there's also kind of the catch-all phrase,
8 "As well as any other witness that does not now
9 appear to be relevant but may become relevant due to
10 defendant's actions at trial," which is rather the
11 catch-all.

12 Generally speaking, that's part of why we engage
13 in the open discovery, that if we have any reference
14 to a witness within our file, then we deem the
15 defendant to be on notice that they could be a
16 witness in the case.

17 Q. Mr. Retired Detective Chapman is on your list of
18 witnesses; correct?

19 A. That is true. He was on the initial list that was
20 filed in July of 2005.

21 Q. Do you recall that Mr. Zook, as well as
22 Mr. Crawford, would have known about Dennis Chapman
23 authoring a fingerprint report?

24 A. Yes.

25 Q. Prior to July 29, 2005 --

1 first time that Mr. Zook heard of the name
2 Dennis Chapman?

3 A. No.

4 Q. As being a State's witness in this case?

5 A. No.

6 Q. In criminal prosecutions can the defense request
7 pretrial depositions of witnesses?

8 A. Yes.

9 Q. All right. In the Lana Canen murder prosecution
10 could Mr. Zook have requested the opportunity to
11 take the deposition of Dennis Chapman pretrial?

12 A. Yes.

13 Q. Is that done from time to time --

14 A. Yes.

15 Q. -- in your criminal cases?

16 A. Yes.

17 Q. And in that deposition, I assume -- but correct me
18 if I'm wrong -- that the criminal defense attorney,
19 in this case Mr. Zook, could have asked
20 Dennis Chapman any relevant questions about his
21 background? Training? Qualifications?

22 MR. SUTHERLIN: Object to the form of
23 the question. This witness is not here
24 to speak for Mr. Zook.

25 THE WITNESS: Yes.

1 BY MR. DE BONI:

2 Q. "Yes"?

3 A. Yes.

4 Q. If a criminal defense attorney wants to take the
5 deposition of an expert who's going to testify on
6 certain forensic evidence, based on your
7 experience, do you know the questions could go to
8 background qualifications?

9 A. Yes.

10 Q. All right. Did Mr. Zook do that in this particular
11 case involving Lana Canen?

12 A. Not in this particular case, no.

13 Q. Is there anything that you're aware of as one of
14 the prosecutors that prevented Mr. Zook from
15 seeking the pretrial deposition of Dennis Chapman?

16 A. Not within my knowledge, no.

17 Q. I want to ask you, Mrs. Becker, about -- I made a
18 Xerox copy here of a portion of Indiana Rules of
19 Evidence. I'll ask the question for the record.

20 In a room full of lawyers people might say
21 well, why even ask the question. But I assume in
22 the criminal trials that occurred in 2005, which is
23 the year that Lana Canen's criminal trial occurred,
24 that the Indiana Rules of Evidence were applicable;
25 correct?

1 A. Yes.

2 Q. Now, I have before you a portion that I Xeroxed off
3 pertaining to opinions of expert testimony,
4 Article 7?

5 A. Yes.

6 Q. What I want to ask you, Ms. Becker, is the
7 procedure based on your experience of naming an
8 expert in a criminal trial.

9 A. (Witness nods head.)

10 Q. And opposing counsel challenging an expert in a
11 criminal trial?

12 A. (Witness nods head.)

13 Q. So my first question is: If Mr. Zook would have
14 taken the deposition of Dennis Chapman and asked
15 Mr. Chapman about his qualifications, and if
16 Mr. Zook felt that his qualifications were
17 insufficient to testify, in your experience, how is
18 a challenge brought to the attention of the Court?

19 A. I've never personally had the experience where the
20 defense attorney challenged the qualifications -- I
21 mean, made an objection to the qualifications of a
22 person that we offered for expert testimony.

23 But in preparation for several events where I
24 thought it would happen, what I anticipated happening
25 is that the defense attorney would object to the

1 qualification of the witness as a, quote/unquote
2 "expert" under 702. And then the Court would have a
3 preliminary hearing to determine whether or not the
4 person was, in fact, an expert to overcome the
5 foundation for 702, and then instruct the jury,
6 depending upon, you know, how that went.

7 If the Court found that the person was qualified
8 under 702, the person would be allowed to testify.
9 And any testimony, the jury would consider it as the
10 weight as opposed to the admissibility. But we never
11 had the situation where we had an expert who was
12 prohibited from testifying.

13 Q. Is it your understanding as a prosecutor that under
14 Rule 702 of the Indiana Rules of Evidence, a party
15 who believed that an expert should not testify can
16 bring a pretrial challenge by way of Motion to the
17 trial judge?

18 A. Yes. It used to be called a Daubert hearing when I
19 first started. Then it became known as a Frye
20 hearing. And what that type of a hearing does is
21 examine not only the expert but also the science to
22 determine if the science upon which the expert is
23 relying is recognized in their field and if it can be
24 determined to be credible evidence.

25 I've, personally, handled a couple of cases

1 BY MR. DE BONI:

2 Q. Mr. Zook in the Lana Canen criminal case, in which
3 you were the prosecutor, did not bring a Rule of
4 Evidence, Rule 702 Challenge against Mr. Chapman;
5 correct?

6 A. That is correct.

7 Q. Are you aware of any Indiana law, any statutory or
8 administrative criteria that must be met as a
9 threshold matter before an individual can testify
10 concerning fingerprint analysis?

11 A. I'm not aware of an Indiana Statute. I am aware of a
12 variety of opinions, case opinions, that discuss the
13 qualifications of a person to be qualified as an
14 expert under 702.

15 Q. Okay.

16 A. But that's not a statute.

17 Q. Okay. So you're not aware of any statute or
18 administrative regulation pertaining to a threshold
19 criteria for qualification a fingerprint analyst
20 must have?

21 A. Correct.

22 Q. Now, under Rule 702 is it correct that the judge
23 is -- to use a phrase commonly used -- the
24 gatekeeper, concerning who can testify as an
25 expert?

1 challenges the credibility of a State-offered
2 witness.

3 Q. If based on your experience as a prosecutor and as
4 an attorney since -- 1997?

5 A. Yes.

6 Q. -- in criminal trials in Elkhart County, once an
7 expert witness is called as a witness and the
8 direct examination has begun, can opposing counsel
9 stand up at some point before the expert has given
10 his opinion, his or her opinion, and ask the trial
11 judge to voir dire the witness on his
12 qualifications?

13 A. Absolutely. We've even done that outside the
14 presence of a jury on numerous cases.

15 Q. Is that -- so that's not uncommon in criminal
16 trials that you've been involved in?

17 A. I wouldn't say it's common or uncommon. I mean, I've
18 done a lot of trials. So when you're looking at that
19 many trials, I wouldn't say it's common, but it has
20 occurred on multiple occasions.

21 Q. In front of Judge Shewmaker?

22 A. Yes.

23 Q. And after the questioning or voir dire of witnesses
24 is conducted, the opposing counsel could object to
25 this witness giving an opinion; correct?

1 A. Actually, no. This part of the questioning had more
2 to do with laying the foundation for the fingerprint
3 card, which was identified as State's Exhibit 46. It
4 was more towards the line of the fingerprint card
5 itself, did it contain sufficient detail to enable
6 Detective Chapman to come to certain conclusions
7 about, you know, "Here is a whirl, here is a ridge.
8 Here is a dot. Here is an in."

9 Q. Okay.

10 A. That was the foundational for getting in 47. It
11 wasn't until I built on that further that I would
12 have come to the point where it would have been
13 appropriate to make an objection regarding any type
14 of a comparison, because this was more just a
15 foundation for State's Exhibit 47 in and of itself.

16 So I apologize if I'm being very detailed, but
17 there was a method behind this entire --

18 Q. Okay.

19 A. -- line of questioning.

20 Q. Mr. Chapman eventually gave an opinion that he felt
21 that the lifter was that of Lana Canen, comparing
22 it to her ten-print card; correct?

23 A. Yes.

24 Q. And, again, based on your experience in
25 Judge Shewmaker's court prior to Mr. Chapman giving

1 that opinion, Mr. Zook could have stood up and
2 asked to question Mr. Chapman on his
3 qualifications; right?

4 A. Absolutely.

5 Q. And if he felt that -- if Mr. Zook felt that he was
6 unqualified to give that opinion, he could have
7 raised that objection at that time to
8 Judge Shewmaker; correct?

9 A. Yes.

10 Q. That was not done?

11 A. Correct.

12 Q. To be clear, Dennis Chapman at the time that he
13 provided the fingerprint analysis for the
14 Lana Canen murder case was employed by the
15 Elkhart County Sheriff's Department; correct?

16 A. Yes.

17 Q. And to the best of your knowledge, Mr. Chapman did
18 not come forward to the Elkhart City Police or the
19 Elkhart County Prosecutor and -- and say, "Hey, I
20 want to get involved in your investigation"?

21 A. No. That's not the case at all. This was --

22 Q. You reached out to him -- or either the Elkhart
23 City Police or the Elkhart County Prosecutor
24 reached out to Mr. Chapman and said, "Would you
25 assist us?"

1 A. Yes.

2 (Plaintiff's Exhibit No. 25 marked.)

3 BY MR. SUTHERLIN:

4 Q. Exhibit 20- -- I think it's like 25. Do you see
5 25?

6 A. I do. I have it.

7 Q. Ms. Becker, we just received this yesterday from
8 the Elkhart City Police, but I'll represent to you
9 that it's State's Exhibit 46. And it's a
10 three-page document, and it State's Exhibit 47 from
11 the
12 Lana Canen murder case.

13 A. Okay.

14 Q. For some reason the Elkhart City Police -- I think
15 because of the appeal, still had those. We didn't
16 have them when we asked for the entire record from
17 the court reporter.

18 So page -- page 1 of Exhibit 25 is State's
19 Exhibit 46; correct?

20 A. Yes.

21 Q. And that's the lifter card?

22 A. Yes. It appears to be. I recognize my handwriting
23 on the number.

24 Q. Please explain what a lifter card is.

25 A. A lifter card is a tool that forensic crime scene

1 investigators utilize for purposes of collecting
2 evidence either from a crime scene or somewhere that
3 they believe to be evidence.

4 It consists of really two parts: There is a --
5 kind of a white sterile card that is covered by an
6 adhesive clear -- some type of plastic material
7 cover.

8 When they're ready to use it, they pull the
9 protector from the adhesive side. They use the
10 adhesive and place it on the item of evidence, and
11 then they remove it very carefully. And then they
12 very carefully close the adhesive part onto the
13 sterile white part so that it preserves the lift, in
14 other words, the material that they have pulled from
15 the evidentiary sample. And then it protects it and
16 preserves it from any potential taint.

17 Q. Are lifter cards used to obtain and preserve
18 fingerprints from a crime scene?

19 A. Yes.

20 Q. Okay. Now, in the Lana Canen murder
21 investigation -- I guess I had -- should more
22 appropriately say the Helen Sailor murder
23 investigation that was conducted by the Elkhart
24 City Police. Mr. Chapman would not have been
25 involved at all in collecting evidence from the

1 scene; correct?

2 A. No. He was not. That was Detective Clyde Brown and
3 Detective Joe Borden from the Elkhart City Police
4 Department.

5 Q. So is it your understanding that Mr. Chapman would
6 have been provided a lifter card, a photograph of
7 which is on page 1 of Exhibit 25?

8 A. Correct.

9 Q. And page 2 and 3 are what you've referred to as the
10 ten-print card?

11 A. That is correct.

12 Q. And Mr. Chapman was asked to compare the lifter
13 card, which contained a print with the ten-print
14 card; correct?

15 A. Yes.

16 Q. At trial during the actual criminal trial of
17 Lana Canen and Andrew Royer, there was an
18 enlargement or blowup of the lifter card. Is that
19 correct?

20 A. I don't think that it was of the entire lifter card.
21 It was of a select portion of the lifter card that
22 reflected --

23 Q. Of a print?

24 A. -- the actual ridge detail of what appeared to be a
25 print.

1 Q. Okay.

2 A. I mean, I had been trying murder cases at the time
3 that this was tried for about two and a half years by
4 then. And I had tried quite a few, but whether he
5 was a witness in them or not, I couldn't tell you.

6 Q. Okay. Would it surprise you that he's only done
7 one murder case, according to his own testimony?

8 A. Yeah. It would surprise me, but doesn't --

9 Q. Would it surprise you that he has done -- he's had
10 no training in latent fingerprints examinations?

11 A. I don't agree with that. The representations made to
12 me was that he had done latent comparisons.

13 Q. I didn't ask that. I said did he have any
14 training? Would it surprise you that he had no
15 training in latent comparison?

16 A. Yes. It would absolutely surprise if that's a true
17 fact, but I don't believe that's a true fact.

18 Q. Okay. And you touted his experience with both the
19 Nuclear Regulatory Agency and the FBI. Did you
20 understand that his experience was with comparing
21 not latent prints, but simply known prints and
22 classifying them?

23 MR. DE BONI: I object to the form of
24 the question. And also that assumes
25 facts not in evidence.

1 BY MR. SUTHERLIN:

2 Q. Go ahead and answer.

3 A. Should I answer? I understood, absolutely, that what
4 he did for the FBI was compare what they call in the
5 field as "known prints." I was aware that he did
6 that hundreds of thousands of times. I mean, there
7 was one comment in here he did that 40 times an hour
8 in one unit that he was in.

9 I was also aware, though, that with his
10 experience -- this is based on what he told me --
11 based upon his experience at the Elkhart County
12 Sheriff's Department that he had done latent
13 comparisons with unknowns. That was my belief.

14 Q. That was not my question.

15 A. Well, then I misunderstood your question.

16 Q. Yeah. I asked -- I asked you about the Nuclear
17 Regulatory Agency and the FBI.

18 Did you understand that -- and worked for
19 those agencies, it did not involve latent
20 fingerprint identifications at all?

21 A. I cannot say that I asked that specific question of
22 him. I understood that was accurate at the FBI. But
23 I do not know about -- I do not know about the Cook
24 Nuclear Power Plant.

25 Q. What did he do for them?

1 CERTIFICATE

2 I, Charolette A. Martinez, a Notary Public, in and
3 for the County of St. Joseph and State of Indiana, do
4 hereby certify there appeared before me, VICKI ELAINE
5 BECKER, on Wednesday, October 29, 2014, who was duly
6 sworn to testify the truth, the whole truth, and
7 nothing but the truth to questions propounded at the
8 taking of the foregoing deposition in a cause now
9 pending and undetermined in said court;

10 I further certify that I then and there reported
11 stenographically the proceedings at the said time and
12 place; that the proceedings were then transcribed from
13 my original shorthand notes; and that the foregoing
14 transcript is a true and correct record thereof;

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 and affixed my notarial seal this 3rd day of November,
17 2014.

18
19
20
21 _____
22 Charolette A. Martinez, CSR
23 Notary Public, State of Indiana
24 Residence: St. Joseph County
25 Commission Expires: 12-18-2022

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF INDIANA
 3 SOUTH BEND DIVISION

3 LANA CANEN,)
)
 4 Plaintiff,)
)
 5 vs) Case No.
) 3:14-cv-315-RL-CAN
 6 DENNIS CHAPMAN and MARK DAGGY,)
)
 7 Defendants.)
)
 8

9 VICKI ELAINE BECKER

10 I hereby acknowledge that I have read the foregoing
 11 deposition transcript regarding the case of Canen Vs.
 12 Daggy, taken on October 29, 2014, and that the same is a
 13 true and correct transcription of the answers given by me
 14 to the questions propounded, except for the additions or
 15 changes, if any, as noted on the attached errata sheet.
 16
 17
 18

18 _____
 19 VICKI ELAINE BECKER

20 Subscribed and sworn to me
 21 this _____ day of _____,
 22 2014, A.D.

23 Notary Public or Witness _____
 24 State of _____
 25 County of _____
 My commission expires: _____

Date: 11.5.14

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